

**REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention.

Claim 1 has been amended. Claim 3 has been cancelled. The specification has been amended to comply with the Examiner's suggestion on page 2 of the Office action. Specifically, with regard to the BRIEF SUMMARY OF THE INVENTION, support can be found in claim 1 of the patent application. No new matter is believed entered.

Applicant would especially like to thank the Examiner for the telephone interview of November 25, 2008, in which the present Office action was discussed. During the interview, the prior art of record was discussed in view of the claims of record. Additionally, various claim amendments were discussed to overcome the prior art of record, some of which appear in the instant response.

Claims 1-6 were rejected under 35 USC 103(a) as being unpatentable over Karlsson (5,866,859) in view of Swanson (5,295,602). Claim 1 has been amended to state, in pertinent part, "said net is kept in the pocket by means of a snap fastening means (20, 23), and said exhaust outlet cover (12) comprises a plate shaped part (13) having a hood shaped portion (17) with an outlet for exhaust gases, said outlet for exhaust gases constituting an unobstructed opening." Neither Karlsson nor Swanson, either alone or in combination, describe such structure.

Conversely, Karlsson describes a muffler assembly with a catalytic converter having a spark arrester screen. A wire mesh holder (9) is mounted to a muffler (13) along all sides but one creating a pocket between the two structures. The spark arrester screen (3) is inserted into

the pocket between the wire mesh holder (9) and the muffler (13). The spark arrester screen consists of a wire mesh (4) and a fastening device (6). An exhaust gas outlet (16) is provided for exhaust gases to flow through. When the wire mesh is inserted between the wire mesh holder (9) and the muffler (13), the fastening device (6) spreads out over the central parts of the wire mesh (4) in the form of strips (8), as shown in FIG. 3. As stated in Col. 6, lines 48-51, the strips (8) are necessary to allow exhaust gases to flow through every open section of the wire mesh, and thus facilitate heat transfer.

Swanson describes an engine air cleaner housing having a cover (10) and a base (12). The cover (10) has a pair of U-shaped tongues (38) that are received in openings (36). Each tongue (38) has a firm leg (40), depending adjacent retaining wall (30), and a flexing leg (42) that extend upwardly adjacent cross bar (34). Each leg (42) includes a cam surface (44) that engages cross bar (34) to deflect the leg (42) inwardly as tongue (38) is received in opening (36). Each leg has a barb (46) that snaps into engagement with cross bar (34) to deflect leg (42) inwardly as tongue (38) is received in opening (36). The tongues (38) have a U-shape for insertion into the openings (36). While Swanson teaches an arrangement for securing a housing cover to a housing base, it does not teach a spark catcher arrangement including a spark catcher net covering an exhaust outlet cover having a hood shaped portion with an unobstructed opening.

In distinction, amended claim 1 recites a pocket created between a muffler shell (10) and an exhaust outlet cover (12). A pocket is formed between the exhaust outlet cover (12) and the muffler shell. The exhaust outlet cover (12) is shaped as a flat part (13) and has a hood shaped portion (17). The hood shaped portion (17) is situated over an outlet for exhaust gases. The outlet for exhaust gases, clearly shown in FIG. 1, is an unobstructed opening allowing exhaust gases to pass through and be directed by the hood shaped portion (17). A spark catcher net (21)

is inserted into the pocket to cover the opening. Thus, the spark catcher net (21) is the only impediment facing the exhaust gases as they pass through the outlet. Conversely, in Karlsson, strips (8) are formed from the fastening device (6) that cover the exhaust gas outlet (16) to aid in heat transfer and the routing of the exhaust gases.

Thus, for the foregoing reasons, neither Karlsson nor Swanson, either alone or in combination, contain all of the limitations of amended claim 1, as is required to support a rejection under 35 USC 103(a). Accordingly, it is respectfully submitted that amended claim 1 is now in condition for allowance. Additionally, because claims 2-6 are dependent upon amended claim 1, claims 2-6 are also now believed to be in condition for allowance. Withdrawal of the rejections is requested.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to  
our Deposit Account No. 16-0820, our Order No. ABE1-41329.

Respectfully submitted,  
PEARNE & GORDON, LLP

By:

  
Ronald M. Kachmarik - Reg. No. 34512

1801 East 9<sup>th</sup> Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: December 16, 2008